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Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

Columbia**

Summary

This document was prepared on the basis of the questionnaire sent by the Secretary-General in his note DESA/PFII/2008/5. The response to the first question sets out the progress made by the Colombian State in the following areas: consultations and biodiversity; climate change and indigenous peoples; prior consultation with indigenous communities; follow-up to the Millennium Development Goals; education and indigenous peoples; indigenous peoples and human rights; ethnolinguists and indigenous peoples; indigenous radio stations; indigenous games and sports; and the property rights of indigenous peoples in voluntary isolation in the Amazon region.

* E/C.19/2009/1.
** This report is being issued late in order to include the most recent information.

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I. Response to the recommendations of the Permanent Forum on Indigenous Issues

1. In connection with the recommendations made at the seventh session of the Permanent Forum on Indigenous Issues, the Colombian State has made steady progress on many of the issues raised, as described below.

A. Consultations and biodiversity[1]

2. Colombian legislation includes a mandate to engage in ongoing consultations with indigenous peoples when regulations or projects are planned that are likely to affect them directly. One example is Law No. 21 of 1991, which incorporates International Labour Organization (ILO) Convention No. 169 into domestic legislation. In relation to biodiversity, the Ministry of the Interior and Justice carries out a prior consultation process when such projects affect areas where indigenous communities are located. Over the period 2007-2008, four consultations were carried out with the participation of indigenous peoples.

3. Furthermore, the Ministry of Foreign Affairs, the Ministry of Trade, the Ministry of the Environment and the Ministry of the Interior and Justice, together with the Humboldt Institute, are taking part in the discussions being held in the context of the Convention on Biological Diversity on traditional knowledge (article 8 (j)) and access and benefit-sharing.

B. Climate change and indigenous peoples[2]

4. Colombia has two Clean Development Mechanism projects on climate change mitigation which affect indigenous communities. The first project is for degraded land restoration through silvopastoral systems and reforestation in the Colombian Caribbean savannah. The project is aimed at improving the living conditions and income of small-scale producers on the savannahs of Córdoba by restoring degraded land and planting native trees. The second is the Jepirachi Wind Park, located in northern Colombia, which has an installed capacity of 19.5 MW and turbines of 1.3 MW capacity with three blades and a horizontal axis.

5. In addition, Colombia has an extensive area of indigenous reservations and national parks which also help to mitigate climate change through the conservation of natural forest, primarily in the Amazon region and the Sierra Nevada de Santa Marta.[3]

6. The Amazon region is protected because of the indigenous reservations and national parks which occupy approximately 70 per cent of its territory. The Sierra Nevada de Santa Marta, where other conservation plans are also carried out, is protected in the same way. The plans are carried out jointly by four indigenous peoples and their organization Gonawindua; the local governments of the Sierra's four departments and their regional corporations; mayors' offices; the Ministries of

[1] E/2008/43, paras. 9 and 19.

[2] E/2008/43, paras. 10, 11, 17-19, 23-27, 30-31, 36-37 and 39.

[3] The Sierra Nevada de Santa Marta has been designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

the Interior and Justice, Environment, Housing and Territorial Development, Culture and Education; and also the National Parks Department, the Marine and Coastal Research Institute (Invemar) and the Fundación Pro-Sierra Nevada de Santa Marta.[4]

7. Colombia has also seven climate change adaptation projects which affect indigenous communities directly or indirectly, namely:

(a) The Integrated National Adaptation Pilot Project (INAP), component B, adaptation programme in the Chingaza National Park;

(b) Integration of ecosystems and climate change adaptation in the Colombian massif;

(c) Project for climate change adaptation and mitigation: National Park of Cocuy;

(d) Strengthening of local strategies for climate change adaptation in areas of the Sierra Nevada de Santa Marta that were previously used for illicit drug cultivation;

(e) Living landscape: conservation, regional integration and local development in the Cordillera Real Oriental mountain range (Colombia, Ecuador and Peru);

(f) Socio-economic and physical vulnerability analysis, identification and mapping of the impacts of natural disasters (landslides, erosion, hurricanes, floods and forest fires) that have been exacerbated by climate change in 16 cities located in the ecological region of the Sierra Nevada de Santa Marta;

(g) Identification of adaptation measures for risk reduction that will be incorporated into regional and local land planning;

(h) Climate change adaptation and mitigation in fluvial aquatic ecosystems in the Department of Córdoba, in the context of wetlands restoration and sustainable management.

[4] In addition, during the Government of President Virgilio Barco (1986-1990), the Colombian Institute for Agrarian Reform (INCORA) created reservations on 13 million hectares of indigenous territory in the Departments of Amazonas and Guainia, which, together with the existing reservations in Amazonas, Vaupés and Vichada, form a continuous territory of 20 million hectares. This area corresponds to about half of the Colombian Amazon region, which is inhabited by over 80,000 indigenous persons. In addition, at the beginning of the 1990s, the Colombian State signed ILO Convention No. 169, which provided a positive framework for the rights of indigenous peoples. Furthermore, the Political Constitution of 1991 assigned extensive rights to these peoples and established a new political-administrative division of the country. Today, these large territories are administered by the indigenous inhabitants. The indigenous governments are supported by their communities and the departmental Government, which work together with various central government bodies, such as the Ministry of the Interior and Justice, through its Department of Indigenous Affairs, the Ministry of the Environment, Housing and Territorial Development, the Ministry of Education, the Ministry of Culture, the Amazon Scientific Research Institute (SINCHI), the Natural Parks Department and regional corporations, as well as in cooperation with the NGOs COOMEVA, Gaia Foundation, Tropenbos, Conservation International and Enollano, among others. All of these entities are working together to conserve the ancestral knowledge of these communities and also to conserve the forests.

C. Prior consultation with indigenous communities[5]

8. The Ministry of the Interior and Justice spearheads the process of prior consultation with ethnic communities. Prior consultation is the process through which ethnic groups exercise their fundamental right to participate.

9. In the prior consultation process, the State consults with ethnic groups on the implementation of projects that are taking place in their territories and are likely to affect them directly, as well as on legislative measures that may affect them directly. Prior consultation does not mean that indigenous communities have a right of veto and if a community refuses to participate in or opposes a project without giving substantive reasons, the authority must take a decision that is non-arbitrary as to whether or not the project should be implemented.

10. The Colombian State has spearheaded implementation of the mandates contained in ILO Convention No. 169, as can be seen from the following table:

Consultation processes as of 31 December 2008

Consultation processes completed according to the established procedures	39
Projects on which consultations are taking place	23
Total	**48**

D. Follow-up to the Millennium Development Goals[6]

11. In relation to meeting the Millennium Development Goals established by the United Nations for the year 2015, progress has been made in Colombia in various areas, as summarized below:

Goal 1: Eradicate extreme poverty and hunger

12. For the purpose of reducing poverty and improving the basic living conditions of indigenous peoples, the Colombian State, through the Presidential Agency for Social Action and International Cooperation, has been implementing the following programmes: family forest rangers; infrastructure; services for displaced populations; income generation; Families in Action; donations; food security; protracted relief and recovery operation; housing; and Peace and Development. Annex I contains a description of these programmes to the extent that they relate to indigenous communities.

13. Furthermore, the Ministry of Agriculture and Rural Development has initiated income-generating production projects at the community level that contribute to the well-being of the indigenous population. They include aquaculture projects and projects offering incentives for cocoa and rubber cultivation.

14. Lastly, the Ministry of the Environment, Housing and Territorial Development has signed international agreements with the Global Environment Facility to generate agro-biodiverse crops through its office of participation. Water basins are

[5] E/2008/43, para. 62.

[6] E/2008/43, paras. 63-64.

managed in conjunction with the communities that live around them, and there are plans for joint management and recovery of the affected areas.

15. The education goals are covered in chapter I.E of this report and the gender equality goal is covered in chapter II.

E. Education and indigenous peoples[7]

16. The Ministry of Education carries out extensive ethnic education programmes in order to ensure that the ethnic and cultural identity of indigenous peoples are protected.

17. The goal of this policy is to establish intercultural education in all public and private schools and colleges in the country, so that all children and families understand that the Afro-Colombian, indigenous and Roma cultures are part of the roots of Colombian nationality.

18. Efforts are being made to build on intercultural society. The aim is to ensure that schools recognize the country's diversity by recognizing and showing respect for different cultures.

19. This policy is intended to promote an education that is appropriate to the characteristics, needs and aspirations of various ethnic groups, by developing their cultural identity and supporting multiculturalism and multilingualism.

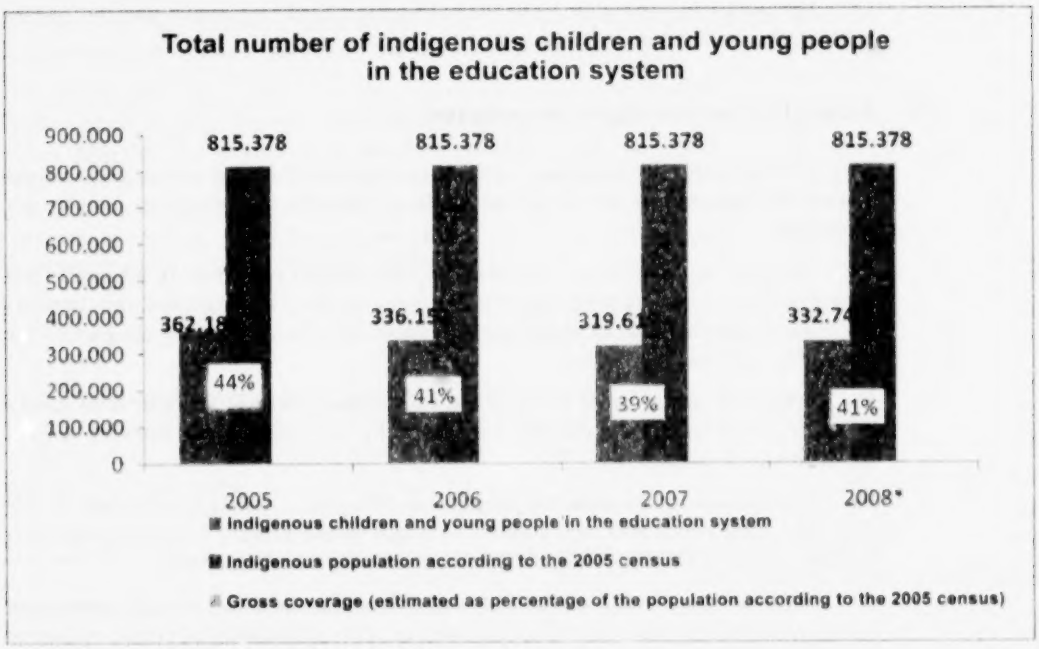
20. The most important aspects of the ethnic education policy are: (i) training of both teacher trainers and teachers; (ii) research; (iii) publication of ethnic education materials; (iv) dissemination of the policy; (v) advisory services and follow-up for the education secretariats and institutions; (vi) strengthening of community processes; (vii) protection of the languages of ethnic groups and (viii) allocation of educational investment for those groups.

21. The ethnic education policy was designed as a direct response to the mandates contained in the Declaration of the International Decade of the World's Indigenous People and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It is also part of the commemoration, on 21 May, of the 150th anniversary of the abolition of slavery in Colombia.

22. Work has continued on the project Pensamiento Educativo Indígena (indigenous educational thinking) which is taking place in the Yukuna communities that live along the Apaporis, Pedrera and Caquetá rivers, in the Department of Amazonas. The project links teaching with community work through an ecological calendar based on a profound knowledge of the territory, including the times for harvesting, hunting, fishing and gathering. At those times, children and young people do not attend their usual classes, and the rivers, forests, land, crops and animals become their learning tools.

[7] Ibid., para. 89.

23. The following data are available on the presence of indigenous children in the educational system:



F. Indigenous peoples and human rights[8]

24. The Colombian State recognizes the constitutional and legal rights of indigenous peoples. Annex II to this report contains a compilation of Colombian legislation concerning indigenous peoples.

25. At the international level, the Colombian State has ratified international treaties such as the International Labour Organization (ILO) and Indigenous and Tribal Populations Convention and Convention concerning Indigenous and Tribal Peoples in Independent Countries, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

26. In addition, the Colombian Government complies rigorously with the international recommendations made by human rights protection bodies. This work takes place under the leadership of the Presidential Programme for Human Rights and International Humanitarian Law and the Department of Human Rights of the Ministry of Foreign Affairs. The Colombian State carries out coordination efforts through those institutions.

27. Furthermore, the Committee for Regulation and Risk Assessment for Ethnic Groups (ETNOCRER) was established in 2003 in order to provide human rights services for indigenous peoples. ETNOCRER is part of the Programme for the

[8] Ibid., paras. 90 and 92.

Protection of Social Leaders, which is attached to the Human Rights Department of the Ministry of the Interior and Justice. The indigenous peoples are represented in ETNOCRER, and their representative is chosen by the Indigenous Peoples' Human Rights Commission. In this forum, joint efforts are made to reach agreement with the beneficiaries on individual and collective protection measures for ethnic groups that are at a high risk and threat level. Annex III contains a document which refers to the action plans for indigenous communities that are highly vulnerable and at risk.

G. Ethnolinguistics and indigenous peoples[9]

28. In Colombia, in addition to Spanish, about 65 American indigenous languages are spoken. They vary greatly in their structure, type and origin. Many of them seem to belong to 13 distinct groups of language families and are the result of encounters between different human groups which have come to the Colombian territory over the past 20,000 years. These languages are a fundamental part of both the cultural and spiritual heritage of the nation, and the State therefore has a duty to protect and support them.

29. The Political Constitution recognizes the ethnic diversity of the Colombian people and therefore makes it compulsory for the Colombian State to protect ethnic diversity and cultural wealth. The Constitution also provides that both Spanish and the other 65 known indigenous languages are to be considered as official languages in their respective Colombian territories.

30. The General Education Act[10] and the General Culture Act,[11] as well as the jurisprudence of the Constitutional Court,[12] are examples of the significant progress that has been made in legislation for the same purpose of protecting and promoting languages, in this case indigenous languages.

31. In addition, the Colombian State has been fostering social processes in ethnolinguistics which have been proposed by the indigenous peoples. A series of programmes has also been created which are intended not only to protect but to promote indigenous languages throughout Colombia.

32. Accordingly, the process of consolidation that the indigenous organizations have experienced in the past few years has led them to step up their advocacy of indigenous linguistics, especially in the area of education. As a result, literacy materials have been produced, as well as proposals for the use of these languages in the courts, toponomy and the Civil Registry, inter alia. Forums have also been created for the broadcast of radio programmes in the vernacular throughout a large part of the Colombian territory. The State, through the Ministry of Culture, has collaborated extensively in all of the above initiatives.

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[9] Ibid., para. 97.

[10] Law No. 115 of 1993.

[11] Law No. 397 of 1997.

[12] The 1991 Constitution also protected and promoted native languages. In 1986, the President of the Republic created, through Decree No. 2230 of 1980, the National Committee on Aboriginal Linguistics, which was responsible for advising the national Government on the formulation of policies on indigenous and creole languages. This Committee ceased to function in 1995.

33. In addition to support for the creation and functioning of radio programmes for indigenous communities, the Ministry of Culture in 2005 introduced into the National Programme of Concerted Action an item entitled Process of Recovery of the Cultural Memory of Indigenous Peoples. Over the past three years, the Ministry has co-funded a selection of projects relating to the use and preservation of these languages.

34. Lastly, the projects established by the Ministry of Culture in the area of ethnolinguistics include the following:

(a) A sociolinguistic analysis of the languages of the ethnolinguistic groups present in Colombian territory;

(b) Launching, follow-up and support for the effective implementation of an international cooperation agreement signed by the Ministry of Culture and the Office of the Deputy Adviser on Linguistic Policy of the Government of the Basque autonomous community of Spain;

(c) Creation of the necessary conditions for re-establishing a permanent body to advise the national Government in defining and implementing a policy for the protection and promotion of the languages of the ethnolinguistic groups present in the territory of Colombia;

(d) Launching of a specific call for proposals with a view to supporting projects or initiatives that promote the use, modernization and revitalization of indigenous languages;

(e) Support for the Caro y Cuervo Institute in setting up a network of Internet portals to spread information on the languages of Colombia's ethnic groups;[13]

(f) Collaboration with the General National Archive to establish programmes to archive and document the languages of ethnic groups;

(g) Coordination with the Ministry of Education in spreading the use and study of the languages of ethnic groups in classroom-based education and, more specifically, coordination of related specialized teacher training programmes with the Ministry and universities;

(h) Organization of regional forums with leaders of ethnolinguistic groups and officials of various bodies to raise their awareness of the need to deal with the language problem;

(i) Organization of a great national congress of the Indo-American and Afro-American languages of Colombia to spread knowledge and appreciation in local, regional, national and international public opinion of those languages, which are a part of world heritage.

[13] The Caro y Cuervo Institute is a centre for advanced research and cultural and academic training that develops, designs and manages plans, programmes and projects in the areas of philology, literature, linguistics — Hispanic, indigenous and creole — and the history of the culture of books and reading, with Colombian and foreign public and private bodies, whose interaction makes the Institute a body of bodies. It also develops publishing policies to strengthen and spread the nation's oral and written heritage and serves as a fundamental reference point for the redefinition of Colombian society's future.

H. Indigenous radio stations[14]

35. The 16 public radio stations installed in 16 regions of Colombia by the Community programme of the Ministry of Communications provide approximately 513,000 indigenous members of different ethnic groups in Colombia with a means to communicate and to express their culture.[15] This coverage amounts to about 60 per cent of the indigenous population of Colombia.[16]

36. External audits of the stations concluded that they had been properly installed and the technical parameters required for optimal operation had been met.

37. To set up those radio stations, the Ministry of Communications offers the infrastructure (antennas, transmitters and studio) and the Ministry of Culture trains the indigenous operators in programming and economic management, respecting indigenous cultural needs and systems. Each locality's administration provides the physical space for the installation of the radio station.

I. Indigenous games and sports[17]

38. Travesia Coldeporteando. As part of Travesía Coldeporteando, towards the end of 2007 the Colombian Institute for Sport (Coldeportes) held the indigenous games in the municipality of Puerto Nariño, in the Department of Amazonas. The event included both sports and traditional games of the indigenous people of the region. In addition to affording leisure opportunities to the indigenous participants, the games brought together the other peoples who live in the border area. Indigenous people from Brazil, Peru and Colombia competed in various disciplines such as aerobics, soccer, track and field, swimming and volleyball. The indigenous people also had the opportunity to compete in various indigenous skills, such as blowpipe, log splitting and archery.[18]

39. Copa Hermandad Indigena. The Copa Hermandad Indígena is held in the Department of Putumayo. The sports practised during the competition give the indigenous people from the reservations in the Alto Putumayo, especially the younger ones, the chance to test their skills, encouraging a revival of regional indigenous traditions.

40. Wayuu Games. The Colombian-Venezuelan games of the Wayuu have been held for more than eight years in the Department of La Guajira. Some 1,050 indigenous people compete in events such as cactus throwing, archery and wrestling. One of the goals of the games is to introduce children to Wayuu traditions from an early age.

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[14] Ibid., para. 114.

[15] The indigenous population of the country is estimated at 1,378,884 people.

[16] Eight of the 16 stations were installed during the present administration: 2 in Caquetá, 3 in Cauca, 1 in Nariño and 2 in Putumayo.

[17] E/2008/43, para. 116.

[18] The experience will be repeated in the future with indigenous people of the Department of El Chocó, in western Colombia.

J. Property rights of indigenous peoples in voluntary isolation in the Amazon[19]

41. In Colombia, the only isolated group is thought to be the Caraballo, numbering about 200. The Caraballo live within the recently created Río Puré National Park, which covers an area of 1 million hectares. It is stipulated in the park's act of designation that the Government will acknowledge the rights of the Caraballo to their lands whenever they claim them. There is provision for the park to be made into a reservation if such a change is ever deemed necessary.

42. The land rights of the Nukak, a semi-isolated group in Colombia, have been recognized through the establishment of a reservation. The reservation has an area of 954,000 hectares and lies between the Inírida and Guaviare rivers in the north-western part of the Department of Guaviare. The reservation was designated in 1993 and expanded in 1997.

43. The Yuhup, a transboundary people in the process of sedentarization, are protected on the Yaigoje-Apaporis reservation, with an area of 1,020,320 hectares. The reservation is located in the Departments of Vaupés and Amazonas, in the area of the border with Brazil.

II. Activities and policies related to indigenous women

44. The Colombian State is mandated to include a gender perspective in programmes, projects and policies.[20] In 2005 the Presidential Advisory Office on Gender Equality designed and coordinated the implementation of three workshops and a central meeting of indigenous women, as a means of generating opportunities for dialogue and drawing attention to the importance of the actions taken by indigenous women at the community level. At each workshop, discussions were held on the specific problems of the seven participating ethnic groups in terms of the needs and experiences of indigenous women in each indigenous community, based on an analysis of political, economic, ideological and social power. The seven ethnic groups who participated were the Guambiano, Arhuaco, Wiwa, Wayuu, Kankuamo, Huitoto and Ticuna. Bulletin No. 8 of the Presidential Advisory Office's Monitoring Centre on Gender Issues documents this process and provides a regulatory and statistical assessment of the current situation of the country's indigenous women.[21]

III. Difficulties in the implementation of the recommendations of the Permanent Forum

45. The obstacles identified to implementing the recommendations of the Permanent Forum on Indigenous Issues, and to developing certain projects, include issues related to the representativeness of indigenous leaders. Problems arise when establishing dialogue with the leaders of organizations of indigenous peoples

[19] E/2008/43, para. 143.

[20] Gender perspective is defined in article 12 of Law No. 1098 of 2006 as "the recognition of social, biological and psychological differences in relations between individuals according to their sex, age, ethnic group and the role they play in the family and the social group".

[21] Available at http://equidad.presidencia.gov.co/publicaciones/documentos/oag_boletin_8.pdf.

because while some communities consider them their legitimate representatives, others say they do not feel represented by them. Within the communities themselves, there are sometimes problems concerning the legitimacy and representativeness of the people who serve as their representatives. Finally, in some areas of the country, the influence of illegal armed groups has hindered and disrupted the implementation of programmes and projects with indigenous communities.

IV. Factors that have facilitated the implementation of the Forum's recommendations

46. The legal and institutional platform in Colombia has facilitated to a large extent the implementation of the recommendations of the Permanent Forum.[22] Many of the recommendations have been fulfilled by existing programmes and projects designed to pay preferential attention to indigenous peoples and communities, pursuant to Colombian legislation.

V. Laws, policies and other similar concrete instruments to respond to the problems that affect indigenous peoples

47. The Colombian State has made considerable progress in the development of a legislative framework to effectively implement the rights of indigenous peoples and communities (see annex II).

VI. National institutions that coordinate indigenous issues

48. To pay special and differential attention to indigenous peoples, in May 2008 the Government of Colombia established the Directorate of Indigenous, Minority and Roma Affairs.[23] Other agencies, both national and in the country's departments,

[22] The Inter-American Development Bank's indigenous legislation index places Colombia in first place in terms of the quality of its cultural rights legislation and indigenous legislation.

[23] Article 3 of Decree No. 1720 of 2008 defines the main functions of the Directorate as follows:

1. To propose policies designed to recognize and protect ethnic and cultural diversity, especially of indigenous and Roma peoples.
2. To safeguard the ethnic and cultural integrity of the indigenous and Roma peoples and to promote their fundamental rights.
3. To design programmes to provide technical and social assistance and policy support for the indigenous and Roma communities and lesbian, gay, transgender and bisexual people.
4. To conduct inter-institutional coordination to establish the means for participation by indigenous peoples set forth in legislation, and to promote the participation of whichever organizations and authorities represent them.
5. To support the Prior Consultation Group in consultations on development projects that affect indigenous and Roma communities.
6. To promote conflict resolution in accordance with the traditions and customs of indigenous and Roma communities.
7. To maintain the register of the traditional indigenous authorities recognized by their respective communities, and of associations of indigenous authorities.
8. To promote a differential approach in the work of the Ministry and the other State agencies that serve the needs of the indigenous and Roma population.

have offices specializing in the promotion and protection of indigenous peoples, in accordance with each agency's area of activity. Finally, supervisory bodies also have offices responsible for protecting the rights of indigenous peoples, such as the Office of the Deputy Ombudsman for Indigenous and Ethnic Minority Affairs and the Office of the Deputy Procurator for Prevention in the Field of Human Rights and Ethnic Affairs.

VII. Regular capacity-building programmes on indigenous issues for national civil servants

49. The School of Public Administration is the specialized Government entity that provides training to civil servants. Using public and international cooperation funds, this entity offers training programmes that enable civil servants to better perform their duties. It also promotes academic activities aimed at guaranteeing the democratization and social control of the administration. In 2003, the School of Public Administration developed a certificate programme on indigenous legislation in six areas of the country, including the Departments of La Guajira, Arauca and Huila. The programme was aimed at members of indigenous communities and civil servants. In addition, the Rodrigo Lara Bonilla Judiciary School, which provides training to the country's judiciary, specifically covers the relationship between indigenous peoples and special indigenous jurisdictions in its human rights training.

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9. To advise the offices of governors and municipal mayors on providing due attention to indigenous communities, the Roma people and lesbian, gay, transgender and bisexual people.
10. To carry out the socio-economic studies necessary for the designation, amelioration, expansion and restructuring of indigenous reservations.
11. To coordinate with the Ministry of the Environment, Housing and Territorial Development and the Colombian Institute for Rural Development to promote the establishment of environmental agendas in conjunction with indigenous communities.
12. To advise the Minister in the exercise of administrative supervision and of the functions of ultimate authority of the Administrative Sector of the Interior and of Justice concerning matters pertaining to the post.
13. To plan and implement procedures to award titles to the lands of indigenous communities and lands necessary for communities affected by natural and man-made disasters, coordinating with agencies of the Ministry and bodies involved.
14. To propose draft laws, draft legislative acts or draft legislative amendments, and to analyse regulations and jurisprudence in coordination with the Directorate of the Legal System and the Directorate of Political and Electoral Affairs in their submission, discussion and follow-up in areas within its competence.
15. To manage the procurement of complementary resources to fund programmes in areas within its competence, in coordination with the Office of International Cooperation Affairs.
16. To participate on the boards, commissions, committees and technical groups of which it is a member or when so delegated by the Minister or Deputy Ministers.
17. To guarantee the maintenance of the Institutional Communication, Information and Attention System.
18. To guarantee the exercise and sustainability of the administrative development, quality management and internal oversight system, and to monitor its effectiveness and the observance of its recommendations in areas within its competence.
19. To support the activities of the Ministry's Centre for Political Studies and Centre for Legal Studies in matters within its competence.
20. To receive petitions, requests and consultations on matters within its competence.
21. To perform such other functions as may be assigned in accordance with the nature of the body.

VIII. Information on the Government's promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples

50. The Colombian Constitution and body of law, as well as the international instruments ratified by Colombia, are consistent with most of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. However, while the Declaration is not a legally binding norm for the State and in no way constitutes the establishment of conventional or customary provisions that are binding for Colombia, some aspects of the Declaration were found to be in direct contradiction with the Colombian internal legal system, which led the Colombian State to abstain in the voting on this text. The reasons for the State's abstention were presented at the plenary meeting of the General Assembly on 13 September 2007.

Annex I

Social action programmes aimed at reducing poverty in indigenous communities

Food security

One key initiative is the Food Security Network (RESA), carried out in the Department of Cauca, which brings together 23,720 families in the jurisdictions of Toribío, Caldono, Cajibío, Caloto, El Tambo, Rosas, La Sierra, Sotará, La Vega, Almaguer, San Sebastián, Bolívar, Santa Rosa and Popayán. An additional agreement is under way with the Yanacona community, which will benefit another 1,808 families. Some 72,000 indigenous families in the rest of Colombia are part of RESA.

Infrastructure

As part of the social and community infrastructure renovation process, residences and basic social infrastructure were rebuilt in the municipalities of Caldono, Jambaló and Toribío, whose populations are mainly indigenous. A total of 29 construction projects worth 701 million pesos were completed and 865 residences were rebuilt for a total investment of 447 million pesos.

The Construction for Peace project has provided funds to municipalities with primarily indigenous populations, such as Jambaló, La Sierra and La Vega, for hospitals, bridges, aqueducts, schools and electrification. Total investment was 1.406 billion pesos.

Families in Action

All the municipalities in the Department of Cauca, including those with indigenous populations, participate in the Families in Action programme. In addition to the thousands of indigenous households that already qualify for food and education grants as "level one" households under the Beneficiary Identification System (SISBEN),[24] or as displaced persons, new indigenous communities throughout the country are being registered in the programme. A total of 8,272 indigenous families in Nariño, La Guajira, Putumayo, Cesar and Tolima have begun the registration process in their own communities and are already receiving conditional assistance.

Family forest rangers

The family forest rangers programme has benefited 6,153 indigenous families in Leticia and Puerto Nariño (Amazonas), Mitú (Vaupés), Natagaima (Tolima), La Vega and San Sebastián (Cauca), Colón, San Francisco, Sibundoy, Santiago and Mocoa (Putumayo) and Ungía and Belén de los Andaquíes (Chocó). A total of 614 families on the Guachicono reservation in La Vega and 150 families on the Papallacta reservation in San Sebastián have become beneficiaries.

[24] SISBEN is a national beneficiary identification and selection system that conducts surveys to obtain information on the socio-economic situation of individuals and to classify them, with a view to allocating grants and social benefits provided by the State to the poorest and most vulnerable populations in Colombia.

In addition, the President's Programme against Illicit Crops benefits the Katmensa and Inga indigenous communities.

The Indigenous Artisans project provides training to 222 families in the Department of Putumayo in design, tools, raw materials, preparation for Expoartesanías 2008 and the development of logos to market their products.

Assistance for displaced persons

The National System for Integral Assistance to Displaced Persons (SNAIPD), which is managed by the Presidential Agency for Social Action and International Cooperation, provides assistance to indigenous communities that have been displaced as a result of violent conflicts.

In that connection, SNAIPD has provided support to the Nukak Makú and Embera Katío-Chamí communities, and has assisted the return of the Chimila community in the Department of Magdalena.

SNAIPD has held meetings to discuss and find solutions to the issues facing the Awá community, located in the Department of Nariño.

In addition to these initiatives, the Agency's registration department has made progress in identifying and collecting information on the displaced indigenous population.

As of the end of August 2008, a total of 56,000 indigenous individuals were listed in the National Register of Displaced Population (RUPD), which allows them to apply for institutional aid as displaced persons.

Peace and Development and Peace Laboratories

The Presidential Agency's Peace and Development programme supports initiatives in the areas of food security, housing, land titling and income generation in Montes de María, the Colombian massif and the Alto Patía.

The organizations that help carry out these projects include the Yanacona Council, the Agricultural Association of Displaced Farmers and Indigenous Peoples of Alto Naya (ASOCAIDENA), the Agricultural Association of Indigenous Farming Peoples of San Sebastián (AGROINCAMS), the Yanacona Indigenous Council of San Juan-Frontino and the Indigenous Council of the Río Blanco Sotará Reservation.

Tierradentro project

The indigenous communities of Tierradentro, Cauca, which have undergone a major rebuilding following the earthquake of 6 June 1994, have made much progress thanks to a management and participation strategy supported by international development assistance as well as the national Government through the Presidential Agency for Social Action.

Throughout the duration of the Tierradentro project, between 2001 and 2005, grass-roots indigenous organizations participated in strategic and operational decision-making and in the direct implementation (supported by the European Union) of agreements worth over €4.4 million, in addition to the €0.5 million provided by local institutions.

The individual projects, which have since been turned over to the communities, have covered topics such as organizational support, local individual talent, infrastructure and equipment, basic financial capital, and institutional planning, management and coordination capacity.

The projects involved issues such as the establishment of a credit fund, human rights, gender, alternative energy, environmental certification and international marketing, an intercultural research centre, the use of guadua in the agroforestry sector, the study of high plateaux and lagoons for environmental planning and management of international development assistance, including social and productive infrastructure components, community development, production and marketing of goods, and the environment.

The project was carried out in the Tierradentro region, in south-west Colombia, which is listed as a UNESCO World Heritage Site. The site comprises the municipalities of Páez and Inzá, which are located in eastern Cauca. The majority of the region's inhabitants belong to the Páez and Guanacas indigenous communities. Black and mestizo communities also live in the area.

Habitat and housing

The Presidential Agency for Social Action promotes improved quality of life by creating adequate living conditions and by implementing the Government's social housing policy through housing programmes. Projects have been developed to benefit indigenous communities throughout the country.

In 2007, eight projects were carried out to benefit 572 indigenous households for a total investment of 923 million pesos; in 2008, four projects were under way, involving the participation of 230 indigenous families. The communities that have signed on to these projects over the last two years are the Wiwa, Kankuamo, Awá and Chimila.

Productive and social linkages

Two of the strategic focuses of the income generation programme — the conversion of unproductive assets to productive assets and the business capitalization of mini-production chains — are of particular benefit to indigenous communities.

The first seeks to improve the social and/or economic conditions of the population through the conversion of assets that have productive potential or could serve a social purpose but that, for various reasons, are currently unused or underutilized.

The second emphasizes capacity-building for productive organizations and the strengthening of social cohesion through the provision of support necessary for the strengthening of businesses as real alternatives for generating sustainable income and improving quality of life.

Donations

The Presidential Agency's donations management programme has made 136 shipments in total to indigenous communities established in 11 departments in the country.

Donations range from construction materials to livestock but also include household goods, clothing, cleaning products and food. The Department of Cauca has received 745 million pesos in donations.

Production projects

The Production Projects programme matches indigenous communities and households to development projects representing alternatives to illicit crops.

Such projects have been carried out in five departments and six municipalities. Participating communities include the Páez, Guambiana, Arquia, Inga and Kamza, and the programme has benefited 230 families.

Annex II

References of some relevant Colombian legal standards in favour of indigenous peoples

Within the Colombian legal framework for the protection of indigenous peoples, a number of legal standards are worthy of note, such as:

1. Constitution

Fundamental principles: ***article 1*** (Colombia is a social State governed by the rule of law, organized as a unitary, decentralized, democratic, participatory and pluralistic Republic with autonomous territorial units, and founded upon respect for human dignity, work, solidarity among its people and the primacy of the general interest); ***article 2*** (fundamental goals of the State and Government authorities); ***article 7*** (State recognition and protection of the ethnic and cultural diversity of the nation); ***article 8*** (protection of the cultural and natural wealth of the nation); and ***article 10*** (official languages of Colombia, including the languages of ethnic groups in their territories; bilingual education in those territories).

Rights, guarantees and duties: ***article 11*** (right to life, prohibition of the death penalty); ***article 13*** (freedom and equality of all people, non-discrimination); ***article 17*** (prohibition of slavery, servitude and human trafficking in all its forms); ***article 18*** (freedom of conscience); ***article 19*** (freedom of worship); ***article 37*** (freedom of peaceful public assembly); ***article 38*** (freedom of association); ***article 40*** (right to participate in the establishment, exercise and control of political power); ***article 43*** (equality of rights and opportunities for both genders and certain specific measures to protect pregnant women and women heads of household); ***article 63*** (communal lands of ethnic groups and reservations are inalienable, imprescriptible and guaranteed against seizure); ***article 64*** (access for agricultural workers to land ownership and other services to improve income and quality of life); ***article 65*** (priority granted to agricultural development, protection of food production and priority granted to various related activities); ***articles 67 and 68*** (relating to education as a right and as a public service that has a social function; in the case of ethnic groups, this includes the right to an education that respects and develops their cultural identity); ***article 70*** (promotion of culture, recognition of cultural diversity as the basis of nationality, and recognition of the dignity and equality of all cultures coexisting in the country); ***article 72*** (protection of national cultural heritage); ***article 79*** (right to a healthy environment and to community involvement in decisions affecting it); ***articles 86, 87, 88 and 89*** (mechanisms that protect rights, such as *amparo*, compliance proceedings, class actions and such other actions as may be provided for by law); ***article 90*** (various provisions concerning the right to reparations).

Inhabitants and territory: ***article 96*** (Colombian nationality; extension of nationality to indigenous peoples sharing border territories, applying the principle of reciprocity in accordance with public treaties).

Specific provisions relating to the legislative branch: ***article 171*** (election and composition of the Senate; includes a special constituency for the election of senators by indigenous communities) and ***article 176*** (election and composition of

the House of Representatives; a constituency for ethnic groups is among its special constituencies).

Specific provisions relating to the judicial branch: ***article 246*** (special jurisdiction of the authorities of indigenous peoples) and ***article 247*** (justices of the peace).

Territorial organization: ***article 286*** (classifies indigenous territories as territorial entities); ***article 287*** (autonomy of territorial entities); ***article 329*** (issues relating to indigenous territorial entities) and ***article 330*** (indigenous territories shall be governed by autonomous councils formed and regulated according to the traditions and customs of their communities; defines the functions of such councils; establishes that the exploitation of natural resources in indigenous territories shall be effected without impairing the cultural, social and economic integrity of the communities, whose participation in decision-making with regard to such exploitation shall be encouraged).

Distribution of resources: ***article 356*** (participation of territorial entities in the revenue-sharing system; includes a provision on the participation of indigenous territories or reservations in that system).

2. Legislation

Provisions relating to indigenous territories

- **Decree No. 1397 of 1996**: Decree establishing the National Commission for Indigenous Territories and the Permanent Committee for Consultation with indigenous peoples and organizations, and containing other provisions.
- **Law No. 1152 of 2007**: Law providing for the Rural Development Statute and for the reform of the Colombian Institute for Rural Development (INCODER), and containing other provisions.

Provisions relating to education

- **Decree No. 525 of 1990**: Among other issues addressed, provides for the development of the Pilot Experimental Centres.
- **Decree No. 1490 of 1990**: Adopts the New School Methodology and exempts minority ethnic populations that use ethnic education curricula.
- **Law No. 30 of 1992**: Organizes higher education as a public service.
- **Law No. 115 of 1994**: General Law on Education. Includes standards relating to ethnic education.
- **Decree No. 804 of 1995**: Governs education services for ethnic groups.

Provisions relating to the environment

- **Law No. 99 of 1993**: Establishment of the Ministry of the Environment, reorganizing the public sector responsible for the management and conservation of the environment and renewable natural resources; establishment of the National Environmental System; other provisions.

- **Decree No. 1768 of 1994**: Reforms the Regional Autonomous Corporations charged with the protection and management of the environment and natural resources.
- **Decree No. 1867 of 1994**: Regulates the National Environmental Council.
- **Decree No. 1868 of 1994**: Complements the organizational structure of the Ministry of the Environment.
- **Decree No. 1791 of 1996**: Establishes the regime for the use of forests.
- **Decree No. 1320 of 1998**: Regulates prior consultation with indigenous and black communities vis-à-vis the exploitation of natural resources within their territory.
- **Resolution No. 128 of 2000**: Contains complementary provisions governing the participation of representatives of indigenous communities in the Autonomous Corporations Governing Council.
- **Law No. 685 of 2001**: Establishes the Mining Code and contains other provisions, among them regulations relating to the cultural integrity of ethnic communities and groups, indigenous mining areas, precedence rights for indigenous peoples regarding concessions in indigenous mining areas, other standards relating to concessions in indigenous areas, restricted indigenous areas and economic participation of aboriginal communities and groups.

Provisions relating to human rights

- **Law No. 24 of 1992**: Establishes the organizational structure and functions of the Office of the Ombudsman and contains other provisions.
- **Decree No. 1396 of 1996**: Establishes the Indigenous Peoples' Human Rights Commission.

Provisions relating to associations

- **Decree No. 1088 of 1993**: Allows indigenous councils and/or traditional indigenous authorities to establish associations in the form of public-law entities of a special character.

Provisions relating to participation

- **Law No. 48 of 1993**: Regulates enlistment and mobilization and establishes that indigenous people residing in their own territory and preserving their cultural, social and economic integrity are exempt from compulsory military service.
- **Law No. 62 of 1993**: Establishes rules for the National Police, including a provision for the participation of a representative of indigenous communities in the National Police and Citizen Participation Commission.
- **Decree No. 2231 of 1995**: Establishes the Inter-institutional Participation Committee, attached to the Ministry of the Interior, which advises the Government on the coordination and adoption of policies for the development of civil society and participatory democracy. Its members include an association representing ethnic organizations.

Provisions relating to current national revenue

- **Law No. 715 of 2001**: Basic rules on resources and competencies in accordance with articles 151, 288, 356 and 357 of the Political Constitution and other provisions aimed at organizing the provision of education and health services, among others. Includes rules on the allocation and administration of resources for indigenous reservations under the revenue-sharing system (article 83, paragraph 4, as amended by Decree No. 1512 of 2002).
- **Decree No. 159 of 2002**: Partially implements Law No. 715 of 2001, including a number of elements relevant to the allocation of resources to indigenous reservations.
- **Law No. 141 of 1994, as amended by Law No. 756 of 2002**: Laws relating to the National Royalties Fund and including rules for the payment of royalties collected by the State from the exploitation of non-renewable natural resources and the criteria applied to their distribution and use.

Provisions relating to health

- **Decree No. 1811 of 1990**: Partially implements Law No. 10 of 1990 in respect of the provision of health services for indigenous communities.
- **Law No. 100 of 1993**: Establishes the comprehensive social security system. Includes specific rules relating to indigenous communities, one of which establishes the particular importance given to members of these communities in respect of access to the subsidized social security regime, which benefits the poorest and most vulnerable people.
- **Decree No. 0757 of 1995**: Partially regulates the Solidarity and Guarantee Fund.
- **Decree No. 2357 of 1995**: Regulates certain aspects of the subsidized health regime.
- **Decree No. 330 of 2001**: Contains rules for the establishment and functioning of health promotion organizations, composed of indigenous councils and/or traditional indigenous authorities.
- **Law No. 691 of 2001**: Regulates the participation of ethnic groups in the General Social Security System for Health.
- **Agreement No. 0244 of 2003 of the National Council on Social Security for Health**: Defines the nature and conditions of operation of the subsidized regime of the General Social Security System for Health and contains other provisions.

Other provisions

- **Law No. 270 of 1996**: Statutory Law on the Administration of Justice. Includes provisions on the special indigenous jurisdiction.
- **Decree No. 427 of 1996**: Implements Decree No. 2150 of 1995 on paperwork reduction.
- **Decree No. 2546 of 1999**: Concerns restructuring of the Ministry of the Interior. Provides for an Office of Indigenous Affairs.

Main legislation on international matters

- **Law No. 21 of 1991**: Approval of ILO Convention No. 169 of 1989.
- **Law No. 43 of 1993**: Rules relating to nationality.
- **Law No. 145 of 1994**: Adoption of the Agreement Establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, signed in Madrid in 1992.
- **Law No. 191 of 1995**: Provisions on border areas.
- **Decision No. 391 of 1996 of the Commission of the Cartagena Agreement**: Common regime on access to genetic resources.

Annex III

Development of action plans to benefit indigenous communities that are highly vulnerable and at risk

As part of the political recognition of indigenous peoples and the State's constitutional obligation to protect the nation's ethnic and cultural diversity, giving priority to the most vulnerable communities, the Comprehensive Plan to Support Vulnerable and At-Risk Indigenous Communities has been drawn up and adopted, and has been used as a basis for the development of 11 action plans for vulnerable indigenous communities that are at high risk, which include the following components: food security, health, education, habitat (housing improvements, water purification, basic sanitation, environmental management, zoonosis control), strengthening of organizational capacities, infrastructure (roads, bridges, schools), land, support for and protection of the family, and education and training by the National Training Service (SENA).

The Comprehensive Plan, adopted by the National Council for Comprehensive Assistance to Displaced Populations (Agreement No. 005 of 13 June 2006), fulfils recommendation No. 5 with regard to indigenous communities at risk of disappearance. In this context, the common aim of the Office of Ethnic Affairs of the Ministry of the Interior and Justice, the Presidential Agency for Social Action and International Cooperation, the Presidential Programme for Human Rights and other entities is to take cross-cutting institutional action to support indigenous communities that are highly vulnerable and at risk, and to respond to court orders to support measures that will help improve living conditions for these communities.

The measures taken in this regard are as follows:

1. **Workshops for the development of action plans**: Carried out under the Comprehensive Plan adopted by the SNAIPD Council. Through Agreement No. 005 of 2006, all the necessary action is being taken to organize 11 workshops for the development of 10 action plans, which provide information about the criteria to be met and steps to be taken in order to benefit from the RESA programme.

2. **Budget invested**: Using resources under Agreement No. 200 of 2006, food security projects worth 6,634,002,000 pesos and housing projects worth 1 billion pesos were implemented in 2007 and 2008 as part of the RESA social action programme.

Implementation of the Comprehensive Plan

Elaboration and harmonization of 12 departmental action plans

Department	*Beneficiary communities*	*Date*
Guajira	Wiwas	21-22 March 2007
Chocó	Wounan and Embera Katio	18-19 April 2007
Guaviare	Guayabero and Nukak	25-26 April 2007 Regional follow-up

Department	*Beneficiary communities*	*Date*
Meta	Guayaberos, Sikuani	30-31 May 2008 Follow-up, 26-27 August 2008
Casanare	Sáliba, Cuiba, Sikuani, Yamalero, Yaruro, Maiben-Masiware, Tshiripo, Amorua and Wipiwi	13-14 June 2007 Follow-up, 5-6 June 2008 and 3-5 December 2008
Cesar	Yukpa	27-28 June 2007 Follow-up, 5-6 March 2008
Cordoba	Women heads of household — Zenú indigenous group	11-12 June 2007 Follow-up, 7-8 May 2008
Risaralda	Embera Chami	2-3 May 2007 Follow-up, 24 September 2007 and 12-13 April 2008
Guainía	Curripaco, Piapoco, Puinave, Cubeo, Sicuani, Piaroa, Tucano, Guanano, Piratapuyo, Baniva, Yeral	6-7 November 2007 Follow-up, 8-9 April 2008 Workshop for the El Paujil reservation, 19-21 August 2008
Arauca	U'wa, Macaguan, Hitnu, Betoyes, Ingas	28-29 November 2007 Follow-up, 9-10 July 2008
Valle del Cauca	Displaced persons from the Embera Chami indigenous group	12-13 December 2007 Main problems involved in relocating displaced population
Vichada	Amorua	2-3 October 2008

3. Implementation of the Comprehensive Plan

(a) Establishment of an inter-institutional committee to promote the comprehensive plan. The committee is composed of national entities, including the Colombian Institute for Rural Development (INCODER), the Colombian Family Welfare Institute (ICBF), the Office of the Procurator-General, the Office of the Ombudsman, the Presidential Agency for Social Action and International Cooperation, the Ministry of Social Protection, the Ministry of National Education and the Ministry of Agriculture.

(b) Development of regional inter-institutional coordination on the elaboration of the action plans.

(c) The purpose of the aforementioned coordination is to harmonize the Comprehensive Plan with the programmes developed by the entities comprising the inter-institutional committee.

(d) Follow-up to the action plans.

4. **Inter-institutional meetings with the Food Security Network (RESA) programme and the Housing and Habitat Programme developed by the Presidential Agency for Social Action and International Cooperation.** Six operational and follow-up committees reviewed the processes carried out with indigenous communities and assessed the efforts of the RESA programme and other programmes of the Presidential Agency.

5. **Measures taken with the National Registry of Civil Status to register indigenous beneficiaries of the Plan.** Within the framework of the inter-institutional committee established to support the Comprehensive Plan, the National Registry of Civil Status held registration drives in various departments: 665 indigenous persons were registered in Risaralda; 367 in Amazonas; 640 in La Guajira; 312 in Meta; 519 in Cauca; 418 in the first drive and 221 in the second drive in Cesar; 310 in North Santander; and 234 in Casanare. In an effort to deal with the problem of indigenous persons begging in Bogotá, steps were taken to ensure the return of 119 registered Chami from Risaralda.

6. **Preparation of a baseline study on food insecurity among the various indigenous communities in Colombia, with a view to implementing Government programmes.** A comprehensive review of food insecurity among vulnerable indigenous populations was undertaken. This study served as a baseline for the project on food security for vulnerable indigenous populations, which will be financed by the Andean Community.

7. **Child protection.** Within the framework of the Comprehensive Plan, a strategy was developed for coordinating entities by sector at the departmental and local levels. At the national level, coordinated efforts were made with the Presidential Agency for Social Action to provide differential services to displaced and vulnerable populations, and with ICBF to introduce policy adjustments and organize new types of assistance for indigenous children, especially in Risaralda, Arauca and Guainia. ICBF, district entities and the Bogotá branch of the Presidential Agency for Social Action worked together to deal with the case of indigenous beggars in Bogotá.

8. **Assistance for the Nukak indigenous people.** The National System for Integral Assistance to Displaced Persons has coordinated differential comprehensive assistance initiatives for the Nukak population displaced in San José del Guaviare, including:

- Humanitarian assistance, health care, food security and basic sanitation;
- Ongoing support by the ICBF mobile team, daily visits by a health advocate and weekly visits by a doctor, with monitoring by an expert consultant;
- Return to Arahuato and strengthening of the Arahuato health post by stationing a health advocate in Guanapalo;
- Establishment of an inter-institutional committee to prepare a medium- and long-term plan;
- Establishment of a regional committee, which meets regularly to assist the indigenous persons remaining in San José, with institutional support from the Office of the Vice-President, with a view to implementing an agreed action plan.

The process confirmed the need to focus on and prioritize certain types of communities, including those which, until recently, were still semi-nomadic; those which have become increasingly isolated as a result of colonization, agricultural development and large-scale projects; and those which have been displaced and are subsisting on the outskirts of certain towns and cities. Such is the case of the Yukpa indigenous community of the Serrania del Perijá, which lives in extreme poverty; the ethnic groups of Casanare, who, hemmed in by cattle ranches and rice plantations, have been forced to abandon their traditional migration; the ethnic groups of Guainía and Arauca, who have been forced into begging, prostitution and drug addiction and who have suffered the consequences of administrative corruption; the Embera Katío of Chocó, whose very structure has been shaken by internal and external violence over a gold mine and who have repeatedly fled to Bogotá and other cities, where they survive by begging. Each of these cases requires different treatment. All these communities have organizational weaknesses and no knowledge of the country's social and institutional order, and therefore have difficulty in dealing with external threats. They are also affected by internal conflicts, loss of identity, cultural dissolution and, in some cases, mismanagement of Government funds by their authorities and leaders. What is worse, they have all suffered the effects of the armed conflict that has been escalating near the borders and in the jungle.

Positive results

The positive results of the development, implementation and follow-up of the action plans for vulnerable indigenous communities include the following: planning exercises with the communities and their leaders, on the one hand, and departmental and municipal entities and officials, on the other, have led to true consensus-building and the coordination of initiatives. It has also helped highlight the situation of the most vulnerable indigenous communities; strengthen the development of community and regional institutions; and enhance the indigenous populations' organizational development. Throughout the process, it was necessary to stress, in various ways, the need for local, regional and national institutions to commit to implementing the action plans. Each department has a different administrative dynamic and a different level of institutional development. The same is true of indigenous communities. It is therefore essential to comprehend the complexity of local and indigenous development. The health, education, food security, organization-building and training components are the fundamental pillars of the action plans, in that they guarantee a genuine improvement in the quality of life of the most vulnerable communities. Specifically, they help reduce child morbidity and mortality, prevent the use of psychoactive substances and limit cultural dissolution and mismanagement of funds received pursuant to Law No. 715.

The elaboration of the action plans must be followed by participatory monitoring on the part of the Government, the entities and the indigenous communities, to ensure implementation of the commitments. Each plan requires, and will continue to require, follow-up and monitoring, so that institutional efforts and processes remain on track; otherwise, the Government's initiatives will lose legitimacy. Failure to ensure implementation of the commitments would also adversely affect the communities' quality of life and their relationship with and trust in the State.

The new municipal administrations have included the action plan for vulnerable indigenous communities in their municipal and departmental development plans. The staff of the local secretariats and programmes were able to acquire first-hand knowledge of the problems facing indigenous communities through meetings and workshops with the entities and joint events with the indigenous communities. The commitments were signed without objection and the departmental administrations of Cesar and Guainia promulgated a decree establishing a permanent round table and thematic round tables for each component of the plan.

Although the actions provided for in some of the plans initially lacked coherence, the follow-up conducted at the thematic round tables in 2009 has helped to harmonize them. At the round tables, all the actors were informed of the actions developed for each component of the plan, so that they could be coordinated. This contributed to local institution-building, as can be seen in the respective agreements. Efforts were made to design harmonized management models so that staff could acquire an understanding of indigenous issues and so that the various institutions could adapt their policies to meet the needs of the indigenous communities. The idea of appropriate and differential management was thus put into practice, respecting the autonomy of the indigenous populations and taking into account the differences between the various communities. Another positive result is that the indigenous communities became involved in the monitoring of the entities and contractors and staff were able to acquire knowledge and understanding of the indigenous communities.

Despite this progress, some components continue to lack systematized information and figures. Many programmes lack figures disaggregated by population and/or ethnic group.

With respect to the allegations made by the National Indigenous Organization of Colombia (ONIC) regarding the 25 homicides and two disappearances of indigenous persons and the deaths caused by anti-personnel mines, which are used by the Revolutionary Armed Forces of Colombia (FARC) in its armed struggle against the Colombian State, the allegations are very general and do not include specific information — such as the victims' first and last names and ethnic group and the site and circumstances of the alleged killing or disappearance — that would make it possible to conduct an investigation through the information system of the Ministry (Directorate of Indigenous, Minority and Roma Affairs). However, whenever the Directorate learns of a crime committed against indigenous persons, it immediately refers the case to the National Directorate of Public Prosecutors' Offices, the Human Rights Department of the Office of the Attorney-General, the Presidential Programme for Human Rights and International Humanitarian Law, the Presidential Programme for Comprehensive Action against Anti-Personnel Mines, the Office of the Ombudsman and the Office of the Procurator-General, so that they can conduct the necessary investigations within their respective areas of competence.